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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Durden

Group Art Unit: 2614

Application No. 09/752,267

Examiner: MA, Johnny

Filed: December 29, 2000

Docket: BS00025

Title: "Methods and Systems For Controlling Consumer Electronics External Devices Via Data Delivered To A Device"

37 C.F.R. § 1.8 CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the U.S.P.T.O. centralized number (703) 872-9306.

Scott P. Zimmerman
Name of Person Transmitting This Paper

Signature

28 MARCH 2005
Date of Transmission

REQUEST FOR REFUND

Mail Stop: 16
Director of the US Patent & Trademark Office
P.O. Box 1450
Alexandria VA 22313-1450

Director:

I respectfully request a refund of \$1370 in the above-identified application. As the accompanying decision on petition states, the petition fee was twice paid and a refund is permitted. Please make the check payable to Scott P. Zimmerman, PLLC and mail the check to:

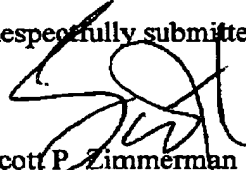
Scott P. Zimmerman
P.O. Box 3822
Cary NC 27519

BS00025

U.S. Application No. 09/752,267
Request for Refund of Petition Fee

If any issues remain outstanding, the Office is requested to contact the undersigned at
(919) 387-6907 or scott@scottzimmerman.com.

Respectfully submitted,



Scott P. Zimmerman
Attorney for the Assignee
Reg. No. 41,390



UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of
George A. Durden et al
Application No. 09/752,267
Filed: December 29, 2000
Attorney Docket No. 36968/198825
BS00025

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 18, 2004, to revive the above-identified application.

The petition is **DISMISSED AS MOOT** for the reasons stated below.

A review of the file record disclosures that a Notice To File Missing Parts of Nonprovisional Application (Notice) was mailed February 14, 2001. The Notice set a period for reply of two (2) months from the mail date of the Notice. A signed oath or declaration and surcharge were received in the U.S. Patent and Trademark Office on March 12, 2001. Therefore, since this case was not in fact abandoned at the time of filing the instant petition, the petition to revive was prematurely filed and is dismissed as involving a moot issue.

Since this application was not abandoned at the time of filing of the petition to revive, as explained above, the petition to revive fee \$1,370.00 is unnecessary, petitioner may request a refund of this fee by writing to: Mail Stop 16, Director of the US Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center 2614 for examination in due course.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy